

REMARKS

It is respectfully submitted that the office action does not make out a proper rejection based on election by original prosecution. Both the M.P.E.P. section cited by the Examiner and Chapter 800 of the Manual of Patent Examining Procedure require that the Examiner make a showing of independence and distinctness. No such showing is made here.

The argument that the remaining claims are not readable on the elected invention because the new claims are directed to multiple wireless protocol links connected by a wireless link is not correct and does not go to the independence and distinctness limitation. Clearly, the claims set forth now read on the limitations set forth below. For example, claim 1, as currently positioned, first paragraph, would read on the limitation in the first paragraph of claim 1 as originally filed. Claim 1, third paragraph as currently amendment, would read on the second paragraph of claim 1 as originally submitted. For example, enumerating a plurality of devices in the first radio frequency network, the first clause of claim 1 as originally filed corresponds to enabling a plurality of first wireless devices and a first wireless piconet to communicate using a first wireless protocol using a first range.

The third clause, enabling the first and second wireless piconets to communicate at a distance between the networks greater than the first or second range, corresponds to claim 1, second paragraph, as originally filed, "communicating information about the first wireless frequency over a non-radio frequency network." In other words, if the first and second wireless piconets communicate with one another at a distance between the networks greater than the first or second range, this must be done over a non-radio frequency network. Thus, new claim 1 is simply narrower than claim 1, but corresponds in every way to it. The improper read on test set forth in the office action is even satisfied.

It is noted that the originally elected invention was directed to two piconets connected by a non-radio frequency link. We now have two piconets claimed which communicate at a distance between the networks greater than the first or second wireless ranges which corresponds to the same things.


The conclusion that the two sets of claims are directed to different inventions requiring different search and consideration is not supported and, therefore, fails to make out the required showing of distinctness or independence.

The argument that the claim numbers are the same, but that "Applicant has deleted the entirety of the previous claims and presented new claims which are not directed to the elected invention," is not strictly speaking true since all of the dependent claims remain exactly identical and the independent claims are simply narrower versions of the original claims.

Therefore, reconsideration is requested and the Examiner is respectfully requested to notify the applicant by telephone if the amendment will not be entered so that an appropriate petition can be filed.

Respectfully submitted,

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